

## **Exhibit B**

DEAN FULEIHAN 30B6  
PAYNE vs DEBLASIO

May 11, 2023

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: New York City ) Case No.  
Policing During Summer 2020 ) 1:20-cv-8924  
Demonstrations ) (CM) (GWG)

----- )

This filing is related to: )

ALL CASES )

----- )

30(b)(6) VIDEOCONFERENCE DEPOSITION OF

DEAN FULEIHAN

New York, New York

Thursday, May 11, 2023

Reported by:  
TAMI H. TAKAHASHI, RPR, CSR  
JOB NO. J9635499

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9:16 a.m.

30(b)(6) Videoconference Deposition  
of DEAN FULEIHAN, held via Zoom remote  
videoconferencing software in New York,  
pursuant to Notice, before TAMI H. TAKAHASHI,  
a Registered Professional Reporter and Notary  
Public of the State of New York.

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1  
2 IT IS HEREBY STIPULATED AND AGREED  
3 by and between the attorneys for the  
4 respective parties herein, that filing  
5 and sealing be and the same are hereby  
6 waived.

7 IT IS FURTHER STIPULATED AND AGREED  
8 that all objections, except as to the  
9 form of the question, shall be reserved  
10 to the time of the trial.

11 IT IS FURTHER STIPULATED AND AGREED  
12 that the within deposition may be signed  
13 and sworn to before any officer  
14 authorized to administer an oath, with  
15 the same force and effect as if signed  
16 and sworn to before the Court.

17  
18  
19  
20  
21 -O-  
22  
23  
24  
25

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1 D. Fuleihan

2 last name correctly?

3 THE WITNESS: Fuleihan.

4 MR. HODGSON: Fuleihan. I'm so  
5 sorry. Fuleihan Exhibit 2.

6 THE WITNESS: Are we supposed to  
7 get out of this exhibit? I apologize.

8 MR. HODGSON: You can close out of  
9 the first exhibit.

10 MR. DEAN: I think you can exit  
11 here, right there.

12 MR. HODGSON: And at this point now  
13 that you've done it, I think you should  
14 be able to just double click on "Exhibit  
15 2" and open it.

16 MR. DEAN: See if that works. No.  
17 How about the Z?

18 MR. HODGSON: For the court  
19 reporter --

20 MR. DEAN: Here we go. We've got  
21 you now.

22 MR. HODGSON: -- this is Bates  
23 number DEF-E\_00052883. It has been  
24 marked "Confidential."

25 (Plaintiffs' Exhibit 2, Bates



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1 D. Fuleihan  
2 DEF-E\_000052883, marked for  
3 identification as of this date.)

4 THE WITNESS: Fuleihan Exhibit  
5 02288.54? Oh, no that's the gigabyte.  
6 Sorry. Is that it, Exhibit 2?

7 MR. DEAN: Maybe I can find it.  
8 Just a minute. Let me just replace you.  
9 Just to show you, see it was right at  
10 the bottom here --

11 THE WITNESS: Yeah.

12 MR. DEAN: -- Exhibit 2?

13 THE WITNESS: Yeah.

14 MR. DEAN: Let me just click on it.  
15 There we go. I'm sorry if you already  
16 identified it. Could you repeat the  
17 identification.

18 MR. HODGSON: The Bates numbers in  
19 the bottom right-hand corner. Did you  
20 want me to read it out?

21 MR. DEAN: No, that's all right.

22 MR. HODGSON: Yeah, I'll  
23 represent -- I'm showing you a one-page  
24 email thread that was produced by the  
25 defendants.

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2 MR. DEAN: Okay.

3 BY MR. HODGSON:

4 Q. Have you been able to open it and  
5 look at it?

6 A. Yes.

7 MR. DEAN: Actually, open it but  
8 not yet look at that time.

9 Why don't you go ahead and read it,  
10 if you can.

11 (Witness reviewing document.)

12 MR. HODGSON: Tell me when you've  
13 looked at it. It's just a page.

14 MR. DEAN: You should scroll down.

15 THE WITNESS: Okay.

16 BY MR. HODGSON:

17 Q. Great. So these are emails between  
18 you and the mayor dated May 28th of 2020,  
19 correct?

20 A. Yes.

21 Q. And they're arranged  
22 chronologically with the earliest email on  
23 the bottom and the later email on top,  
24 correct?

25 A. Correct.

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2 Q. So, first, the mayor -- oh, and to  
3 be clear, the mayor's email address here is  
4 bccd@cityhall.nyc.gov, correct?

5 A. Correct.

6 Q. Okay. And sometimes it just  
7 appears as "B" in the "From" field, yes?

8 A. You may be correct. I normally see  
9 it this way.

10 Q. Oh, I see. Okay.

11 So the mayor writes in his email on  
12 May 28th at 8:20 -- no, 9:48 p.m., "We need a  
13 group of senior City Hall folks at all  
14 protests on police issues from now on."  
15 Correct?

16 A. Correct.

17 Q. So, as of the night of May 28th,  
18 was the Office of the Mayor already sending  
19 monitors to these protests?

20 A. I don't recall. Before --  
21 obviously, after this email, yes. Before  
22 this email, I don't know.

23 Q. Okay. And this email doesn't  
24 refresh your recollection on whether there  
25 were already senior City Hall folks at

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2 protests on police issues at this point?

3 MR. DEAN: You're asking before May  
4 28th?

5 MR. HODGSON: Before this email was  
6 sent.

7 A. I don't recall that.

8 BY MR. HODGSON:

9 Q. So the mayor then writes, "What I'm  
10 hearing from firsthand witnesses sounds real  
11 and does not conform with the assurances we  
12 were getting from PD hierarchy."

13 What did the mayor mean by that?

14 A. I -- I don't know. I am assuming  
15 this is about reaction to the protests by the  
16 NYPD.

17 Q. And why are you assuming that?

18 A. By the context of the email.

19 Q. Okay. What were the "assurances we  
20 were getting from the PD hierarchy"?

21 A. I don't recall the specifics that  
22 he is referring to in this email. It's  
23 obviously about the actions of the NYPD.

24 Q. Well, what assurances did the mayor  
25 have from the PD hierarchy regarding protests

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2 on police issues?

3 A. I don't know the specifics this is  
4 referring to.

5 Q. Do you know of any assurances that  
6 the mayor was getting from the PD hierarchy?

7 A. On May 28, I do not recall.

8 Q. Who are the "firsthand witnesses"  
9 referred to in this email?

10 A. I don't know.

11 Q. What did they report?

12 A. Again, my assumption here is that  
13 they're reporting that they're disappointed  
14 with their -- or they're upset about the NYPD  
15 reaction.

16 Q. What about the NYPD reaction?

17 A. I -- you're -- you're asking me  
18 specifics that I just don't know on this  
19 specific moment.

20 Q. On May 28th during what you  
21 testified was the first day of George Floyd  
22 protests in New York City, were there -- was  
23 there any understanding in the Office of the  
24 Mayor about how the NYPD would be reacting to  
25 those protests?

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2 MR. DEAN: Objection to form.

3 A. The mayor had stated his support  
4 for free expression and protests. The NYPD  
5 was aware of that. They had done this in the  
6 past. This appears to indicate, but I don't  
7 have specifics, that the mayor was receiving  
8 reports that the -- that it may not be  
9 consistent with what he was receiving from  
10 the NYPD. I can't go beyond that.

11 BY MR. HODGSON:

12 Q. You were the recipient of this  
13 email, correct?

14 A. Yes.

15 Q. And, at that time, would you have  
16 an understanding -- would you have had an  
17 understanding of what the mayor was referring  
18 to?

19 A. Most likely.

20 Q. So you responded, "We'll make it  
21 happen" --

22 A. Yes.

23 Q. Correct?

24 A. Correct.

25 Q. What is "it"?

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1 D. Fuleihan

2 press conference that the NYPD's plan was  
3 executed nearly flawlessly the night of June  
4 4th.

5 Was it the position of the Mayor's  
6 Office that the NYPD's plan was executed  
7 nearly flawlessly at Mott Haven?

8 A. It was not.

9 Q. Why not?

10 A. There were peaceful protesters who  
11 were arrested without the opportunity to  
12 disperse. And I know you get annoyed when I  
13 refer to it and I apologize, but that was  
14 confirmed in the DOI report.

15 Q. I'm certainly not annoyed. I  
16 welcome reference to the DOI report.

17 A. Okay.

18 Q. So going back to Commissioner  
19 Shea's language about a plan being executed  
20 nearly flawlessly, was the Mayor's Office  
21 aware of a specific NYPD plan regarding the  
22 Mott Haven June 4th protest?

23 MR. DEAN: Well, objection to form.

24 A. The NYPD was going to address their  
25 concerns with what they perceived to be the

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2 violence and what they were picking up in  
3 intelligence. What happened that night, no,  
4 that was not a plan I was aware of.

5 BY MR. HODGSON:

6 Q. Okay. I mean, did the Mayor's  
7 Office understand in advance that the NYPD  
8 would plan to arrest people right at 8  
9 o'clock?

10 A. And give them no ability to  
11 disperse? No, we did not know that.

12 Q. Regardless of the ability to  
13 disperse, was the Mayor's Office aware of  
14 NYPD plans to begin arresting people right at  
15 8 o'clock?

16 A. I don't believe so. That's not my  
17 recollection.

18 Q. Is it -- was the mayor aware of the  
19 NYPD -- of an NYPD plan to begin arresting  
20 people right at 8 o'clock at Mott Haven?

21 MR. DEAN: Objection to form.

22 A. I don't believe so.

23 BY MR. HODGSON:

24 Q. Okay. Would he know?

25 MR. DEAN: Objection to form.



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1 D. Fuleihan  
2 is four pages. It's an email produced  
3 by the City between Mayor de Blasio and  
4 Commissioner Shea from the evening of  
5 June 4th.

6 THE WITNESS: Um-hum.  
7 (Plaintiffs' Exhibit 22, Bates  
8 DEF-E\_000052961 through EF-E\_000052964,  
9 marked for identification as of this  
10 date.)

11 BY MR. HODGSON:

12 Q. And I would direct you to the top  
13 of the second page, an email from Mayor  
14 de Blasio on June 4th at 8:20 p.m. where the  
15 mayor wrote, "Calling you now on this."

16 A. We're not there yet. Sorry. 7:28,  
17 8:18, 8:20. I don't see it. I don't see who  
18 it's to.

19 MR. DEAN: Just is "Calling you now  
20 on this." Back up a little. Here we  
21 are. Dermot Shea to de Blasio. Up  
22 here, right? And then City Hall.  
23 "Calling you now."

24 THE WITNESS: Okay, I think I  
25 understand.

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2 BY MR. HODGSON:

3 Q. Did Mayor de Blasio call Dermot  
4 Shea at 8:20 on June 4, 2020?

5 MR. DEAN: I think the witness  
6 feels the need to look through the --

7 THE WITNESS: I'm trying to  
8 understand the email chain.

9 A. If he said he was calling him, he  
10 called him.

11 BY MR. HODGSON:

12 Q. And were you on that call?

13 A. I don't recall.

14 Q. Do you know what was said on that  
15 call?

16 A. I do not.

17 Q. So back up on the first page,  
18 there's an email from Dermot Shea sent at  
19 8:59 p.m. to Mayor de Blasio saying, "Bronx  
20 was the 'decolonize this place" protest.  
21 Gun, gasoline, et cetera part of crowd."

22 A. That was the concern over violence.

23 Q. Sorry, I did not hear what you  
24 said?

25 A. I'm sorry. That was the -- what I

1 D. Fuleihan

2 stated before, the NYPD's concern about  
3 violence.

4 Q. So this refers to the intelligence  
5 you testified about earlier --

6 A. Right.

7 Q. -- regarding the potential for  
8 violence at Mott Haven, correct?

9 A. Correct, correct. And some -- I  
10 believe there were -- my recollection of this  
11 is there were specific arrests on these  
12 issues.

13 Q. Okay. On what issues?

14 A. Guns, gasoline.

15 Q. And were those arrests of people  
16 protesting on the night of June 4th?

17 A. They were arrests on June 4th. And  
18 I don't recall the exact nature of each  
19 arrest.

20 Q. What is "decolonize this place"?

21 A. I'm assuming that's -- that's some  
22 group. It's in quotes. I'm assuming -- I'm  
23 assuming he's referencing some -- some group  
24 that they were concerned about.

25 Q. So you don't know the significance

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1 D. Fuleihan  
2 of "decolonize this place"?

3 A. I do not recall or remember this  
4 the specific name of that. And what it's  
5 referencing, I'm inferring.

6 Q. Was it explained by the NYPD to the  
7 Mayor's Office on June 4th?

8 MR. DEAN: Objection to form.

9 A. I'm quite sure, if this was the  
10 group or the individuals they were concerned  
11 about, they would have told us earlier on  
12 June 4th. I do not remember exactly what  
13 they told us about specific groups.

14 BY MR. HODGSON:

15 Q. Okay. Regarding the reference to  
16 "gun gasoline, et cetera, part of crowd," did  
17 the mayor or anyone from the Mayor's Office  
18 ever see evidence of a gun or gasoline that's  
19 referred to here?

20 MR. DEAN: Objection to form.

21 A. There were arrests made that day  
22 that I know one involved a gun. One -- and I  
23 do know there was an arrest about -- on  
24 gasoline. And whether the mayor's City Hall  
25 staff saw those, I don't know.

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2 BY MR. HODGSON:

3 Q. And there's a difference between  
4 hearing a report of an arrest conveyed  
5 verbally and seeing evidence of it in  
6 documentary form.

7 Did the mayor or anyone from the  
8 Mayor's Office ever see documentary evidence  
9 of the guns or gasoline referred to here?

10 MR. DEAN: Objection to form.

11 A. I have -- I have no recollection of  
12 that. The NYPD definitely made arrests. I  
13 believe these are actually documented in the  
14 DOI report, so I'm assuming there was some  
15 accuracy to this. I'm not suggesting it  
16 happened at the -- exactly at the street  
17 corner that you have been referring to  
18 earlier or that it was a part of the specific  
19 protest, but it was clearly part of the area.

20 BY MR. HODGSON:

21 Q. Okay. So, again, that wasn't my  
22 question. And I do encourage you to just  
23 answer the question presented to you.

24 A. Okay.

25 Q. I was asking, on June 4th, did the

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2 mayor or anyone in the Mayor's Office see  
3 documentary evidence of the guns and gasoline  
4 referred to here?

5 MR. DEAN: Objection to form.

6 A. Yeah, I -- I can't answer that.

7 BY MR. HODGSON:

8 Q. Okay. Did you see any photos of a  
9 gun or gasoline confiscated at Mott Haven on  
10 June 4th?

11 A. I don't recall.

12 Q. Any voucher for items taken into  
13 evidence?

14 A. I don't recall.

15 Q. Any paperwork associated with  
16 arrests for guns or gasoline in the area of  
17 Mott Haven that night?

18 MR. DEAN: Objection to form.

19 Is -- is that different than in  
20 documentary form?

21 MR. HODGSON: Withdrawn. It's  
22 fine.

23 BY MR. HODGSON:

24 Q. Did the Mayor's Office ever ask for  
25 such evidence?

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2 A. I don't recall.

3 MR. HODGSON: So you can close out  
4 of this exhibit and open Exhibit 23.  
5 And maybe I didn't --

6 THE WITNESS: I don't have it.

7 MR. HODGSON: Let me drop some new  
8 exhibits into the chat.

9 THE WITNESS: Okay.

10 MR. DEAN: Are you able to now drop  
11 the ones that you believe remain in the  
12 deposition that will be presented?

13 MR. HODGSON: I can do that, sure.

14 MR. DEAN: Great. And they begin  
15 with 23, right, the new ones?

16 MR. HODGSON: Yes.

17 MR. DEAN: Okay. It's not working  
18 for some reason. Oh, no.

19 MR. HODGSON: Should we go off the  
20 record? Is there some tech issues?

21 MR. DEAN: No, I'm doing fine  
22 momentary interruptions. Had you  
23 dropped 36 earlier?

24 MR. HODGSON: Yes, I had. So 23 is  
25 the next one after that.

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2 A. No.

3 Q. Okay. So did the Mayor's Office  
4 ever take any active steps to prohibit those  
5 things?

6 A. It was clear that the mayor did not  
7 want those things to happen. And in one of  
8 the very early press conferences where the  
9 curfew is done, he said that there were calls  
10 for the National Guard.

11 And I believe the governor even  
12 publicly stated that. And he said he did not  
13 want that to happen.

14 Q. But -- okay. But the Mayor's  
15 Office never prohibited the NYPD from using a  
16 tactic that it wanted to use over the course  
17 of the George Floyd protests, correct?

18 MR. DEAN: Objection to form.

19 A. I -- it's a very broad question. I  
20 don't -- don't know how to answer it.

21 BY MR. HODGSON:

22 Q. Is there an example of a tactic  
23 that the NYPD wanted to use that the Mayor's  
24 Office said, "No, you cannot"?

25 MR. DEAN: Objection to form.



1 D. Fuleihan

2 A. I don't recall. I don't recall.

3 MR. HODGSON: Okay. If you could  
4 open up Exhibit 30. This is Bates  
5 number DEF-E\_000030220. It is a  
6 three-page email thread that I'm  
7 representing to you was produced by the  
8 City from June 11, 2020, with the  
9 subject "Protest footage."

10 (Plaintiffs' Exhibit 30, Bates  
11 DEF-E\_000030220 through DEF-E\_000030222,  
12 marked for identification as of this  
13 date.)

14 BY MR. HODGSON:

15 Q. And I'll direct your attention to  
16 the very first email all the way at the  
17 bottom of the document from Freya on  
18 Thursday, June 11, 2020, at 5:48 p.m.

19 And she writes, "We'd like to ask  
20 PD to release a bunch of body cam videos from  
21 the protests and need to define the universe  
22 of what we want. Below are the situation  
23 when they are required to have the cameras  
24 on. Given that, what types of incidents  
25 would you want to have them release? We need

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2 assuming you know both the mayor and the  
3 council can request investigations by the  
4 department investigators.

5 Q. So the document itself states that,  
6 on May 31st, the mayor directed the New York  
7 City Department of Investigation to conduct a  
8 review of the response by the NYPD to the  
9 protests.

10 So on May 31st of 2020, what  
11 specifically was the mayor responding to when  
12 he called for this investigation?

13 A. The protest to that date and the  
14 NYPD response to those protests.

15 Q. So, as of May 31, 2020, the mayor  
16 believed it would be necessary to investigate  
17 the NYPD's response to the protests that had  
18 occurred?

19 MR. DEAN: Objection to form.

20 A. Correct.

21 BY MR. HODGSON:

22 Q. Was this because of any specific  
23 allegations or observations of misconduct by  
24 the Office of the Mayor?

25 A. I don't recall a specific that

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2 would have led to it, but rather the events  
3 as they were evolving on both sides.

4 Q. These events include allegations of  
5 misconduct?

6 A. Yes.

7 Q. So the mayor called for this  
8 investigation on May 31st, but it was  
9 formalized into an executive order on June  
10 20, 2020, correct?

11 A. Correct.

12 Q. And in that final form, had  
13 anything changed in the sort of scope or  
14 project that the mayor was instructing the  
15 DOI to conduct?

16 A. It may have been a little more  
17 defined. But DOI understood from the  
18 beginning the parameters the mayor was asking  
19 for. And they were -- they had begun the  
20 process. But -- but the executive order  
21 defined it.

22 Q. So how had they begun the process  
23 prior to June 20?

24 A. They had started their -- their --  
25 they had started to review material and they